

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15107 of the Metropolitan Memorial United Methodist Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 2116.5 to permit accessory parking spaces elsewhere than on the same lot on which the main use is permitted to allow use of a parking lot by the American University in an R-5-A and R-1-B District at premises 3401 Nebraska Avenue, N.W., (Square 1601, Lot 816).

HEARING DATE: October 20, 21 and November 1, 1989  
DECISION DATE: December 6, 1989

FINDINGS OF FACT:

1. The American University requests special exception relief to reinstitute an accessory parking lot operation for the duration of the Campus Plan (1989-2000) which is the subject of BZA Application No. 14640.

2. The subject property is located at the intersection of Nebraska and New Mexico Avenues, N.W., approximately one block southwest of Ward Circle and directly across Nebraska Avenue from the campus of The American University. The parking lot is located in the R-5-A and R-1-B District, and contains 21,000 square feet in area. The lot is owned and used by The Metropolitan Memorial United Methodist Church (the "Methodist Church"), and has in the past been used by The American University for accessory parking use pursuant to BZA approval under Order No. 12567 and 13475.

3. The parking lot is across New Mexico Avenue from the main parking lot of The American University which is a surface lot containing space for 902 vehicles. South of The American University parking lot is the Sutton Place commercial center at New Mexico Avenue and Newark Street. Across Newark Street from the Methodist Church is the Horace Mann School and the residential neighborhood of Wesley Heights.

4. This Board previously approved the use of the Methodist Church parking lot by The American University in BZA Application No. 12567 and 13475. In BZA Order No. 13475, the Board noted that the "lot is exceptionally well maintained at present, and it will be reasonably necessary and convenient to both the Church and the University." The approval of the second special exception expired in 1986.

The American University did not seek to renew the approval at that time.

5. The subject parking lot contains a total of 108 spaces, and is used on weekends by the Methodist Church. The Applicant proposes to allow The American University to use 88 spaces in the parking lot to accommodate its weekday parking needs of students, faculty, staff and visitors to the University.

6. Access to the parking lot is through the existing gate on Newark Street. The gate will be manned by University personnel. The hours of operation will not exceed Monday through Thursday from 7:00 a.m. to 9:00 p.m., and on Friday from 7:00 a.m. to 6:00 p.m. The lot will not be used by the University on weekends or during academic holidays and summer recess. The maintenance of the lot will be the joint responsibility of the Methodist Church and The American University.

7. The University stated that the use of the Methodist Church lot by the students, faculty and staff and permitted visitors to the University, will provide flexibility in the supply of parking spaces on the campus, will allow more area to be devoted to open space, and will enable the subject parking lot to be used more efficiently when it is not needed by the Church. In addition, the additional flexibility in parking provided by this site will enable the University to defer the parking garage in the immediate future as further set forth in the revised proposed Campus Plan in BZA Application No. 14640. Previously, the University proposed to construct an above-grade parking structure on the campus to accommodate its parking needs.

8. The Methodist Church has operated the parking lot adjacent to the Church for at least 25 years. The lot is shielded from the residential neighborhood by the Church structure. In addition, landscaping is provided on the perimeter of the lot to further screen the presence of parked cars. Finally, the use of the parking lot by University-related vehicles will help to alleviate the on-street parking of University-related vehicles, which should be a further benefit to the neighborhood.

9. The subject parking lot is separated from the main campus only by Nebraska Avenue, and is immediately across New Mexico Avenue from the main University parking lot. Because the campus is nearly surrounded by residential areas, there are no lots adjacent to the campus which are appropriate for accessory parking, nor are there any alleys in the vicinity of the campus. The use of the existing parking lot by both the University and the Methodist Church is an appropriate and efficient use of land, and therefore

is preferable to adjacent lots or lots separated only by an alley.

10. The parking lot is located directly across Nebraska Avenue from the University and within easy walking distance to any point on the main campus. The lot is an ideal location to serve the campus. There are crosswalks on Nebraska Avenue to provide a safe and efficient pedestrian route to the campus.

11. The transportation consultants for the University testified that the location of the Church parking lot in the immediate area of the Nebraska Avenue lot will reduce unnecessary circulation for those looking for parking spaces. The report further concluded that the lot is in a unique position to meet the intent of the parking management program with no expected adverse impacts on the adjacent neighborhood.

12. The subject parking lot is screened by landscaping, including trees, on three sides, and on the fourth side by the Church building. The lot is equipped with a gate at its entrance to control unauthorized use. The New Mexico entrance has been chained to preclude its use.

13. The provision of parking spaces will be assured for the duration of the Campus Plan by Agreement between the University and the Church. The maintenance of the parking lot will be the responsibility of both the University and the Church, and is also contained in the agreement.

14. By report dated October 13, 1989 and testimony at the hearing, the Office of Planning (OP) recommended approval of the application. The OP noted the previous use of the parking lot by the University did not create difficulties for the church or adverse impacts on the surrounding area. OP stated that it is lighted and exceptionally well maintained. OP recommended that the approval be for five years.

15. By report dated June 26, 1989, the Department of Public Works recommended approval of the application. The DPW report noted the prior use by the University, and stated that the lot is in good condition and well maintained.

16. By report dated October 13, 1989, Advisory Neighborhood Commission (ANC) 3D recommended approval of the application. The ANC 3D report asked that the maintenance agreement between the Church and the University be reduced to writing to deal with general maintenance and abandoned vehicles. The ANC also asked that the lot be attended during the hours of University use.

17. The Board is required to give great weight to the position of the ANC. The Board finds that the agreement between the Church and the University pertaining to maintenance is beyond the scope of review of this Board. The issue of an attendant at the lot during the hours of University use was addressed by the Applicant, and will be addressed in the conditions of this Order.

18. The Board finds that there was no opposition to the application either of record or at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking a special exception, the granting of which requires compliance with the requirements of 3108.1, and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations, and that it will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof. The use of the lot is reasonably necessary to the operations of the American University and will help relieve parking pressures in the area. The lot is in good condition, is well maintained, and is located so as to be accessible, safe and convenient for such use.

Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be for the duration of the Campus Plan (1989-2000) as set forth in BZA Order 14640.
2. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
3. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
4. No vehicle or any part thereof shall be permitted to project over any lot or building line on or over the public space.
5. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
6. No other use shall be conducted from or upon the premises and no structure other than an


attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

7. The hours of operation by the University shall not exceed 7:00 a.m. to 9:00 p.m. Monday through Thursday and 7:00 a.m. to 6:00 p.m. on Fridays. An attendant shall be provided at the parking lot.

VOTE: 5-0 (William L. Ensign, Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: FEB 21 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15107order/BHS13

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14640, 15109 & 15107

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated 1981 21 17, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

1. Whayne S. Quin, Esquire  
Wilkes, Artis, Hedrick & Lane  
1666 K Street, N.W., Suite 1100  
DC 20006
2. Joseph D. Murphy, Chairperson  
Advisory Neighborhood Commission 3-D  
P.O. Box 40846, Palisades Station  
Washington, D. C. 20016
3. Paul Strauss, Chairperson  
Advisory Neighborhood Commission 3-E  
P.O. Box 9953, Friendship Station  
Washington, D. C. 20016
4. Robert E. Herzstein  
Neighbors for a Livable Community  
4710 Woodway Lane, N.W.  
DC 20016
5. Alan M. Pollock  
4428 Sedgwick St., N.W.  
DC 20016
6. Frederick Allen, President  
Spring Valley Wesley Heights Citizens Assn.  
3880 University Avenue, N.W.  
DC 20016
7. John P. Brown  
Embassy Park Condominium  
4230 Embassy Park Drive., N.W.  
DC 20016
8. Stanley Baum  
4443 Springdale Street, N.W.  
DC 20016

9. Barbara T. Yeomans  
3909 - 48th St., N.W.  
DC 20016
10. Charles Schulze  
4119 - 45th St., N.W.  
DC 20016
11. Carolyn Carr  
Westover Place Community Assn.  
4376 Westover Place, N.W.  
DC 20016
12. Glenbrook Road Association  
c/o Richard B. Nettler, Esquire  
Gordon, Feinblatt, Rothman, Hoffberger & Hollander  
1800 K St., N.W., Suite 600  
DC 20006
13. John E. Montel, President  
Ft. Gaines Citizens Assn.  
4447 Springdale St., N.W.  
DC 20016
14. Dr. Cyril Ponnampereuma  
4452 Sedgwick St., N.W.  
DC 20016
15. Michael Wolf  
Citizens for Preservation of Residential Neighborhoods  
4532 - 43rd St., N.W.  
DC 20016
16. Edward Flattau  
4532 Van Ness St., N.W.  
DC 20016
17. Betty Sheffield  
4412 Springdale St., N.W.  
DC 20016
18. Mary Jo Boya  
4437 Sedgwick St., N.W.  
DC 20016
19. Dr. M.S. Esfandiary  
4401 Sedgwick St., N.W.  
DC 20016
20. Michael Gaglia  
American University Park Citizens Assn.  
4712 Elliot St., N.W.  
DC 20016

- 21. James & Eugenia Langley  
4404 Springdale St., N.W.  
DC 20016
- 22. Rosa L. Sumpter  
4416 Sedgwick St., N.W.  
DC 20016
- 23. Faith Burton  
Ft. Gaines Citizens Assn.  
4441 Sedgwick St., N.W.  
DC 20016
- 24. Jill Abeshouse Stern  
4840 Glenbrook Rd., N.W.  
DC 20016

  
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EDWARD L. CURRY  
Executive Director

DATE: FEB 21 1990 \_\_\_\_\_